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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MILORD, MARCEAU

ART UNIT PAPER NUMBER

2682

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,408

Applicant(s)

MOHEBBI, BEHZAD

Examiner

Marceau Milord

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09696574.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lomp et al (US Patent No 5345467) in view of Rautiola (US Patent No 5666656).

Regarding claim 32, Lomp et al discloses a signal processing circuitry (figs. 1-2), for use in a mobile station (122 of fig. 1) capable of receiving a downlink signal from each of a plurality of base stations (124 and 126 of fig. 1) and transmitting an uplink signal to the plurality of base stations through a wireless channel (col. 3, line 3- col. 4, line 66), said signal processing circuitry comprising: a processor which produces, a measure of a signal quality of the downlink signals received from the plurality of base stations (124 and 126 of fig. 1; col. 9, line 58- col. 10, line 68 ; col. 19, line 1- col. 20, line 68), selects (518 of fig. 813) a base station from which a downlink signal shows a preferred signal quality (figs. 8A- C; col. 5, line 21- col. 6, line 68; col. 21, line 34- col. 22, line 65).

However, Lomp et al does not specifically disclose the steps of selecting a base station from which a downlink signal shows a preferred signal quality, and controlling transmission of the uplink signal to indicate the selected base station, among the plurality of base stations, for subsequent communication with the mobile station.

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On the other hand, Rautiola, from the same field of endeavor, discloses a method for selecting a channel and a base station in a mobile radio system, where the main base station signals with subscriber stations on a control channel having a downlink frequency for signaling from a base station to a subscriber station and an uplink frequency for signaling from a subscriber station to a base station. Each infill base station monitors the subscriber stations at the uplink frequency of the control channel of the respective base station. To select the best possible main base station, each infill base station measures the quality of the control channels of the predetermined ones of the main base stations and selects, on the basis of the quality of the downlink frequencies of the control channels, a main base station the uplink frequency of the control channel of which it begins to monitor (figs. 1-2; col. 2, lines 29- 65; col. 4, line 2 - col. 5, line 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Rautiola to the system of Lomp in order to provide a soft- hand-off method capable of selecting a base station from which the downlink signal shows a preferred signal quality.

Regarding claim 33, Lomp et al as modified discloses a signal processing circuitry (figs. 1-2), for use in a mobile station (122 of fig. 1) capable of receiving a downlink signal from each of a plurality of base stations (124 and 126 of fig. 1) and transmitting an uplink signal to the plurality of base stations through a wireless channel, wherein the signal quality of the downlink signals from the plurality of base stations (124 and 126 of fig. 1) is represented by signal strengths of the received downlink signals (col.21, line 41- col. 22, line 45).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Park US Patent No 6009327 discloses a hand-off method for reducing probability of call disconnection during hand-off in a digital personal communication service system.

Mishina US Patent No 6085088 discloses, an interoffice hand-off processing system and an interoffice hand-off method, which ensure the maintenance of a call of a mobile unit.

Kim et al. US Patent No 6208860 B 1 discloses an inter-cell hand-off timing determining method performing inter-cell hand-off by clearly determining a hand-off timing with a software method without assistance of hardware.

Czaja et al. US Patent No 6078570 discloses a method and system for mobile assisted hand-off between base stations using different carrier frequencies in a Code Division Multiple Access Cellular system.

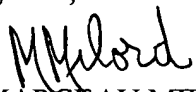
Kabasawa US Patent No 6111864 discloses a hand-off method and apparatus in a CDMA cellular system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MARCEAU MILORD

Marceau Milord
Examiner
Art Unit 2682